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Attorneys for Defendant

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

BARNI ABOKAR,  
Plaintiff,  
v.  
JO ANNE B. BARNHART,  
Commissioner of Social Security,  
Defendant. } CIVIL NO. 004-02307 PVT  
} JOINT STATUS STATEMENT  
} AND STIPULATION *AND ORDER THEREON*

Pursuant to the Court's Order dated June 23, 2005, the parties hereby respectfully submit this Joint Status Statement and Stipulation.

IT IS HEREBY STIPULATED by and between the undersigned attorneys, subject to the approval of the Court, that:

1. The Commissioner of Social Security was not properly served pursuant to Fed. R. Civ. P. 4. The Process Receipt completed by the U.S. Marshals Service names Joann B. Barnhart, but lists the address of the Department of Health and Human Services in Washington, D.C. rather than the correct address for Commissioner Barnhart in Baltimore, Maryland. Further complicating service, although the Court Clerk directed the Marshals Service to serve the United States Attorney's Office by Certified Mail addressed to the Civil Process Clerk in San Francisco, it appears that service was made in San Jose instead.

2. Plaintiff's counsel transmitted a copy of the complaint to the U.S. Attorney's Office in San Francisco on June 7, 2005, and the Parties agree that the Commissioner has now been adequately notified of the action.

3. The Social Security Administration's Office of Civil Actions is conducting a search for Plaintiff's claim file so that the Commissioner may respond to Plaintiff's Complaint.

4. If documentation is located adequate for the Commissioner to respond to Plaintiff's Complaint, the Commissioner will file a response by September 6, 2005.

5. If adequate documentation is not located by September 6, 2005, the Parties will stipulate to remand the case.

## IT IS SO STIPULATED.

Dated: June 24, 2005 /s/  
TOM WEATHERED  
Attorney for Plaintiff

KEVIN V. RYAN  
United States Attorney

Dated: June 24, 2005 By: /s/  
SARA WINSLOW  
Assistant United States Attorney

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, and for good cause shown, IT IS HEREBY ORDERED that, by September 6, 2005, either the Commissioner shall file a response to Plaintiff's Complaint, or the Parties shall stipulate to a remand to the Social Security Administration. IT IS SO ORDERED.

Dated: 6/27/05 /s/ Patricia V. Trumbull  
PATRICIA V. TRUMBULL  
United States Magistrate Judge